

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on March 24, 2008, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: March 24, 2008



Arthur I. Harris
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:
	:
Melissa A Marflak	:
	: Case No.: 07-18755
Debtor(s).	: Chapter 13
	: Judge Arthur I. Harris
	: *****
	:

PROVISIONAL ORDER RESOLVING MOTION FOR RELIEF FROM STAY AND CO-DEBTOR STAY (DOCKET NUMBER 24) AS TO REAL PROPERTY LOCATED AT 7333 PARMA PARK BLVD., PARMA, OH 44130

This matter having come before the Court on the Motion for Relief from Stay and Co-Debtor Stay which was filed in this court by Deutsche Bank National Trust Company, as Trustee of Ameriquest Mortgage Securities, Inc. Asset Backed Pass Through Certificates, Series Quest 2005-X2 Under the Pooling and Servicing Agreement dated as of September 1, 2005 ("Creditor") as Docket Number 24, and the opposition of Melissa A Marflak ("Debtor") thereto; and it appearing to the Court that the parties have agreed to a course of action which will permit

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the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Creditor; and the Court, being otherwise fully advised in the premises, hereby makes the following findings of fact and issues the following Order with respect thereto:

1. The Chapter 13 Plan filed herein on behalf of the Debtor provided that said Debtor and/or Co-Debtor, Raymond Hufnagle, were to make regular monthly mortgage payments to Creditor outside of the Plan in a regular monthly fashion.
2. In breach of the terms of said Plan, the Debtor and/or Co-Debtor failed to make certain of the regular monthly mortgage payments to Creditor; said payments are currently in default for the months of January 2008 and subsequent months, incurring a total post-petition arrearage of \$4,117.54 as of March 19, 2008, which consists of 3 post-petition payments at \$1,095.03 each, 3 post-petition late charges at \$44.15 each, and attorney fees and costs of \$700.00. There is \$934.86 in suspense, which reduces the total post-petition arrearage to \$3,182.68.
3. In order to partially eliminate said post-petition delinquency, the Creditor is permitted to file a Supplemental Proof of Claim in the amount of \$700.00 representing the attorney fees and costs associated with the Motion for Relief from Stay and Co-Debtor Stay, reducing the post-petition delinquency to \$2,482.68.
4. In order to eliminate said post-petition delinquency, the Debtor and/or Co-Debtor hereby agree to pay to Creditor, and Creditor hereby agrees to accept, the following lump sum payments:
 - a. \$413.78 on or before April 15, 2008;
 - b. \$413.78 on or before May 15, 2008;
 - c. \$413.78 on or before June 15, 2008;

- d. \$413.78 on or before July 15, 2008;
- e. \$413.78 on or before August 15, 2008;
- f. \$413.78 on or before September 15, 2008.

The lump sum payments due above are in addition to the regular monthly mortgage payment due and owing for said months.

- 5. The Debtor and/or Co-Debtor hereby agree to resume regular monthly mortgage payments outside the Plan directly to Creditor for the April 1, 2008 regular monthly mortgage payment and to make all further monthly payments in a timely fashion.
- 6. This Provisional Order remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates his case by order of the Court and/or the Creditor obtains relief from stay and the stay is subsequently reinstated by order of the Court.
- 7. The following are events of default under this Provisional Order: (a) Debtor and/or Co-Debtor fail to make any of the lump sum payments hereinabove described on or before their specified due dates; (b) Debtor and/or Co-Debtor fail to pay any future monthly mortgage payment so that the payment is not received by Creditor on the last day of the month in which it is due; (c) Debtor fails to make any Chapter 13 Plan payment to the Trustee's Office within 30 days of the last day of the month in which it is due (hereinafter, any of the events described above shall be referred to as a "Default").
- 8. Upon the existence of a default, Creditor's counsel may send Debtor and counsel for Debtor a 10-day notice of Creditor's intent to file an affidavit and proposed order granting relief from stay.
- 9. If the default is not cured within that 10-day period, then upon the filing of an affidavit

by Creditor attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by § 362(a) of the Bankruptcy Code with respect to Creditor, its successors and assigns.

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Submitted by:

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